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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,632	07/13/2001	Andrew Gong	004860.P2592	3691

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EXAMINER

EISEN, ALEXANDER

ART UNIT PAPER NUMBER

2674

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/905,632

Applicant(s)

GONG ET AL.

Examiner

Alexander Eisen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 14-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/18/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claim 1-13 in the reply filed on 05 November 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art, see pages 2-3 of the disclosure in Background of the Invention.

With respect to claim 1 the disclosure teaches a control indication assembly comprising a first control mounted on a surface of a computer (computer power switch) and a first indicator (LED) to indicate an occurrence of the user-touch (turning the switch On or OFF); a second control mounted on a surface of a display (the display power switch), the display coupled to the computer, and a second indicator to indicate an occurrence of the user-touch (responsive to switching ON/OFF); and the first control and said second control are configured such that the first indicator and the second indicator are synchronized to exhibit identical behaviors when the user-touch occurs to at least one of the first control and said second control (principally, when a

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user turns the computer power switch ON or OFF, both the computer, the monitor and their respective indicators are activated or deactivated; see paragraph [0004] of the disclosure).

While this part of the disclosure does not explicitly indicates that the first control is coupled to a first sensor, to a first sensing circuit to send an electrical signal to the first control when a user-touch occurs to the first sensor, and the second control is coupled to a second sensor, to a second sensing circuit to send an electrical signal to the second control when the user-touch occurs to the display, it would have been obvious to one of ordinary skill in the art at the time when the invention was made that the power switches are substantially sensors responsive to a user's touch, that they also receive an electrical signal and transmit control command to power-on or power-off the computer and the display.

As to claim 2, the disclosure provides for a first switch and a second switch, i.e. switches associated with the display and the computer.

As to claim 3, it is understood that when the computer power switch is turned ON or OFF both the computer and the display change their respective states from one to another in response to a user's touch to one of them (computer one; see paragraph [0004] of the disclosure.

As to claim 4, the power switches are inherently related to run mode or shut-down mode.

***Allowable Subject Matter***

4. Claims 5-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art, either individually or in combination, teach or fairly suggest a modification

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or combination with other prior art so as to satisfy the limitations of dependent claim 5, i.e. a control indication assembly, wherein said the indicator and the second indicator exhibit short flashes of bright intensities and fade to dimmer intensities when the user-touch occurs to one of the first sensor and the second sensor.

6. Claims 6-13 are dependent from the claim 5 and therefore would be allowable for the same reason.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Bilich et al., USP 5,764,547**, discloses a method and apparatus for three-way power switching allowing to turn a computer system and a monitor with a single switch on either side.

**Stoye, USP 5,767,844**, discloses a peripheral device having a switch for controlling power-on of both the computer system and the peripheral.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (703) 306-2988. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (703) 308-6725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Eisen  
Primary Examiner  
Art Unit 2674

15 March 2005